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**PRIMARY SOURCES IN THE AGE OF RISING PARTISANISM**

During George Washington’s Presidency, political faction was still considered against the better virtue of a republic. But several issues divided patriotic Americans. The two men who embodied this difference the most were Thomas Jefferson and Alexander Hamilton. Although both men were instrumental Founding Fathers, they rarely saw eye to eye. By studying the information below, we can better understand why the two men – who both loved America – could so frequently be at odds.

**ISSUE NUMBER ONE** – *The Bill of Rights*

Alexander Hamilton was not exactly against the Bill of Rights, at least not in principle. His view was that there was no reason to *write out* the Bill of Rights. He believed that all of the principles listed were already established rights of the people, and that there was no reason to compose a list of rights. He was not against the principle of individual rights, he was only against the way it was being documented.

Thomas Jefferson, on the other hand, believed that individual rights must be inscribed in the Constitution. People that supported Jefferson, like George Mason and James Madison, for example, believed that rights must be explicitly identified and defended by the people.

Consider these two pre-cursors to the Bill of Rights. Read each, and answer the questions

***The Virginia Declaration of Rights***, by George Mason 1776

I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

XII. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

XIII. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and in all cases, the military should be under strict subordination to, and governed by, the civil power.

XVI. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise Christian forbearance, love, and charity towards each other.

***The Virginia Statute of Religious Freedom***, by Thomas Jefferson

Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish enlarge, or affect their civil capacities.

Now, use the primary sources above and the text of the Bill of Rights, found on pages 141 – 142 of your textbook, in order to answer the questions below.

1. Why did George Mason compose the Virginia Declaration of Rights in 1776? (p. 87, textbooks)

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2. In the passage above, find at least five (5) specific rights which are enumerated by Mason in the Virginia Declaration of Rights.

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3. What does the Virginia Statute of Religious Freedom state regarding religious freedom? In your answer, provide at least three ways the statute prevents the government from infringing upon one’s natural right to freedom of worship or freedom of conscience.

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4. Why do you think Thomas Jefferson and James Madison were so devoted to establishing the principle of freedom of religion?

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5. Why would Alexander Hamilton oppose efforts to enshrine these beliefs in the Bill of Rights?

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6. Which amendments in The Bill of Rights actually preserve the basic rights articulated by George Mason and Thomas Jefferson? How is the Constitution similar to – or slightly different from the documents created by the state of Virginia? (p. 141 – 142)

***Freedom of Religion*** - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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***The Right to Bear Arms*** - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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***Freedom of the Press*** - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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***Private Property Rights*** - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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***Other Liberties of the People Not Listed*** - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**ISSUE NUMBER TWO**. The Alien and Sedition Acts

In 1798, the United States of America was virtually at war with France. Americans, incensed by the XYZ Affair, had completely turned against their former allies. French ships attacked American merchant vessels, and many Americans clamored for war. Worried for the security of the new nation, President John Adams passed two very controversial laws – the Alien Enemies Act and the Sedition Act.

The Alien Enemies laws allowed the President to arrest and deport any foreign nationals – particularly Irish or French immigrants who were notoriously anti-English – from the United States without a trial. Since many of these individuals supported Thomas Jefferson’s Republican Party, he was outraged. But the Sedition Act was even worse.

***The Sedition Act of 1798***, by John Adams Administration

That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the United States …with intent to defame the said government, …or to bring them…into contempt or disrepute; or to excite against them… the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein, for opposing or resisting any law of the United States, … or to aid, encourage or abet any hostile designs of any foreign nation against United States, their people or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years.

1. Why was Thomas Jefferson so outraged by this law? (p. 166 – 167)

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2. What documents did Thomas Jefferson and James Madison compose in response to the Alien and Sedition Acts in 1798 and 1799, respectively? What two principles did the men attempt to establish in these documents? Were they constitutional? Why or why not? (p. 166 – 167)

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